

**Senate File 173 - Introduced**

SENATE FILE 173

BY MCKINLEY

**A BILL FOR**

1 An Act providing for a special education alternative reading  
2 instruction pilot program and including a contingency clause  
3 and effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SPECIAL EDUCATION PILOT PROGRAM — READING  
2 LABORATORY.

3 1. Recognizing the state's desire to assist children to  
4 grow, develop, and learn to their fullest extent and empower  
5 young readers in grades kindergarten through three, and to  
6 support student achievement and overall academic performance,  
7 and recognizing that instructional methodologies and strategies  
8 are important considerations in determining the appropriate  
9 education for a child with a learning disability, a reading  
10 laboratory pilot program is established. The objective of  
11 the program shall be to evaluate methodologies and strategies  
12 used to teach reading that could be implemented to ensure that  
13 the state is meeting the unique needs of individual children;  
14 and to assist with student placement decisions in education  
15 programs, including placement in the special education program.

16 2. The program shall be administered by the department  
17 of education, and shall afford a private education provider  
18 the opportunity to demonstrate effective methodologies  
19 and strategies in teaching reading for students in grades  
20 kindergarten through three identified with special needs. A  
21 private education provider shall be selected by the department,  
22 which meets the following criteria from among those submitting  
23 an application for consideration:

24 a. The provider shall be doing business in at least two  
25 locations in a county which contains a school district with an  
26 enrollment of at least twenty-five thousand pupils in grades  
27 kindergarten through twelve.

28 b. The provider shall possess at least fifteen years of  
29 business experience in the application of methodologies and  
30 strategies designed to improve reading skills for students in  
31 grades kindergarten through twelve.

32 c. The provider shall employ at least forty trained staff,  
33 including at least one staff member who is a licensed special  
34 education consultant.

35 d. The provider shall be able to document success in

1 improving student achievement in reading skills in grades  
2 kindergarten through three.

3 3. The department shall develop private provider  
4 application forms, and shall publish notice and provide  
5 information on the department's internet site regarding the  
6 existence of the pilot program, application procedures, and  
7 program participation. The private education provider which  
8 meets all of the eligibility criteria set forth in this section  
9 shall be selected by the department, and the selection process  
10 shall be conducted without bidding.

11 4. Students in grades kindergarten through three,  
12 residing in a county which contains a school district with an  
13 enrollment of at least twenty-five thousand students in grades  
14 kindergarten through twelve, and who have been identified  
15 by the school district as qualifying for special education  
16 services with mild or moderate learning disabilities involving  
17 difficulty in reading, shall be eligible to participate in the  
18 program. School districts shall be responsible in coordination  
19 with the local area education agency for determining the  
20 students who meet the eligibility requirements, for notifying  
21 parents and guardians regarding the existence of the program  
22 and providing an application form and any other necessary  
23 information, and for submitting applications to the department.  
24 The department shall select a maximum of fifty students  
25 from those students submitting an application. Selection of  
26 students shall be done randomly in the event that more than  
27 fifty students submit applications, beginning with students  
28 in the third grade, then second, then first, and finally  
29 kindergarten, with students eligible for free and reduced-price  
30 meals under the federal National School Lunch Act and the  
31 federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785,  
32 given priority. Additional eligibility requirements may be  
33 established by the private education provider, including  
34 intelligence quotient testing scores, in order to provide  
35 reliable and beneficial program results. Students submitting

1 an application shall be provided with an intelligence test  
2 selected by the department and administered by the local  
3 area education agency. The results of the test shall remain  
4 confidential and shall only be used by the area education  
5 agency to determine eligibility and participation in the pilot  
6 program.

7 5. Pilot program instruction shall be provided on  
8 the premises of the private education provider. Student  
9 instruction shall be provided over a nine-week period during  
10 the months of June, July, and August 2011. The private  
11 education provider shall ensure that each student receives  
12 reading instruction appropriate for the student, for a  
13 minimum of seven hours per week, with the instruction received  
14 considered separate and distinct from the student's current  
15 individual education plan. The school district shall provide  
16 transportation expenses for the student to the private  
17 education provider's location, or shall provide reimbursement  
18 for transportation expenses to parents or guardians in an  
19 amount determined by the school district board of directors.

20 6. The private education provider shall gather performance  
21 data to provide for program accountability, including but not  
22 limited to pretesting and posttesting, to measure improvement  
23 by each student during instruction, and upon the conclusion  
24 of the program. The private education provider shall consult  
25 with the local area education agency for assistance with  
26 pretesting and posttesting, and the area education agency shall  
27 approve the tests utilized. The private education provider  
28 shall provide progress reports to the parents or guardians of  
29 participating students, to the school district in which the  
30 participating students are enrolled, and to the department.  
31 The department, in conjunction with the legislative services  
32 agency and the private provider, shall review and analyze the  
33 data collected and submitted by the private education provider.  
34 Full assurance relating to confidentiality of identification of  
35 individual students' scores shall be provided. The department

1 shall submit a cost-benefit analysis report to the members  
2 of the general assembly by January 1, 2012, summarizing the  
3 results of the pilot program. The report shall include an  
4 analysis of the student improvement as measured through test  
5 scores, and a short-term and long-term cost savings analysis  
6 for implementing the private education provider's instruction  
7 methodology and strategies. The analysis of the cost savings  
8 shall include savings due to a reduction in the statewide  
9 average length of participation in the special education  
10 program. The report shall also include recommendations  
11 relating to statewide implementation of the pilot program.  
12 The legislative services agency shall conduct a survey of  
13 other reading studies conducted in the state and shall include  
14 in the report results relating to public school reading  
15 initiatives. The department shall submit a follow-up report  
16 by January 1, 2013, tracking continued improvement by students  
17 who participated in the program, and including the number of  
18 students who are no longer identified as requiring special  
19 education instruction.

20 7. The implementation of the pilot program pursuant to this  
21 section shall be contingent upon the appropriation of an amount  
22 sufficient to fund the costs of the program for the fiscal year  
23 beginning July 1, 2011, and ending June 30, 2012.

24 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
25 importance, takes effect upon enactment.

26 EXPLANATION

27 This bill provides for the establishment of a special  
28 education alternative instruction pilot program focusing on  
29 improving reading skills in grades kindergarten through three.

30 The bill provides intent language supporting the  
31 establishment of the program. The bill states that the  
32 objective of the program shall be to evaluate methodologies and  
33 strategies used to teach reading that could be implemented to  
34 ensure that the state is meeting the unique needs of individual  
35 children, and to assist with student placement decisions

1 in education programs, including placement in the special  
2 education program.

3 The program shall be administered by the department of  
4 education, and shall involve instruction by a private education  
5 provider intended to demonstrate effective methodologies  
6 and strategies in teaching reading for students in grades  
7 kindergarten through three identified with special needs. The  
8 bill provides that a private provider that meets specified  
9 criteria shall be selected by the department. The department  
10 shall develop private provider application forms and shall  
11 publish notice regarding the program, and the selection process  
12 shall be conducted without bidding.

13 The bill provides that eligible students shall be in grades  
14 kindergarten through three, residing in a county containing  
15 a school district with an enrollment of at least 25,000  
16 students in grades kindergarten through 12, and shall have been  
17 identified as qualifying for special education services with  
18 mild or moderate learning disabilities involving difficulty  
19 in reading. The bill provides that school districts shall  
20 be responsible for determining the students who meet the  
21 eligibility requirements, in coordination with the local area  
22 education agency. The bill provides that the department shall  
23 select a maximum of 50 students from those students submitting  
24 an application. The bill provides that additional eligibility  
25 requirements may be established by the private provider, and  
26 that students submitting an application shall be provided  
27 with an intelligence test selected by the department and  
28 administered by the local area education agency. The bill  
29 provides that the results of the test shall remain confidential  
30 and shall only be used by the area education agency to  
31 determine eligibility and participation in the pilot program.

32 The bill provides that instruction shall be provided on the  
33 premises of the private provider over a nine-week period during  
34 the months of June, July, and August 2011, for a minimum of  
35 seven hours per week, with the instruction received considered

1 separate and distinct from the student's current individual  
2 education plan. The bill provides that the school district  
3 shall provide transportation for the student to the private  
4 provider's location, or reimbursement to parents or guardians  
5 for transportation expenses.

6 The bill provides that the private provider shall gather  
7 performance data to provide for program accountability, with  
8 the assistance of the local area education agency, and shall  
9 provide progress reports to the parents or guardians of  
10 participating students, to the school district in which the  
11 participating students are enrolled, and to the department.  
12 The bill provides that the department, in conjunction with the  
13 legislative services agency and the private provider, shall  
14 review and analyze the data, with full assurance relating to  
15 confidentiality of identification of individual students'  
16 scores, and that the department shall submit a cost-benefit  
17 analysis report to the members of the general assembly by  
18 January 1, 2012, summarizing the results of the pilot program.  
19 The bill provides that the report shall include an analysis  
20 of the student improvement as measured through test scores, a  
21 short-term and long-term cost savings analysis for implementing  
22 the provider's instruction methodology and strategies,  
23 recommendations relating to statewide implementation of  
24 the program, and results relating to public school reading  
25 initiatives surveyed by the legislative services agency.  
26 The bill provides for a follow-up progress report regarding  
27 students who had participated in the program by January 1,  
28 2013.

29 The bill provides that implementation of the program shall  
30 be contingent upon an appropriation to fund the costs of the  
31 program for the fiscal year beginning July 1, 2011, and ending  
32 June 30, 2012.

33 The bill takes effect upon enactment.